

IN THE SUPREME COURT OF THE STATE OF NEVADA

JOE O. MONTOYA,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 48151

FILED

NOV 27 2006

ORDER DISMISSING APPEAL


JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *J. R. [Signature]*
CHIEF DEPUTY CLERK

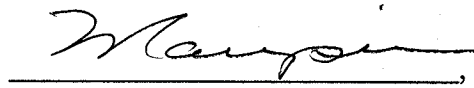
This is a proper person appeal from a purported decision of the district court denying a post-conviction petition for a writ of habeas corpus. Eighth Judicial District Court, Clark County; Jackie Glass, Judge.

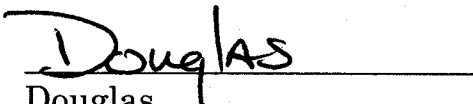
On September 25, 2006, appellant filed a proper person notice of appeal in the district court from a purported decision of the district court denying a post-conviction petition for a writ of habeas corpus. However, the district court had not made a decision, oral or written, on appellant's petition at the time he filed his notice of appeal. Thus, appellant's notice of appeal was premature. Appellant may file a timely

appeal from a final, written order denying his petition.¹ Accordingly, we conclude that we lack jurisdiction to consider this appeal, and we

ORDER this appeal DISMISSED.


Gibbons, J.


Maupin, J.


Douglas, J.

cc: Hon. Jackie Glass, District Judge
Joe O. Montoya
Attorney General George Chanos/Carson City
Clark County District Attorney David J. Roger
Clark County Clerk

¹See NRS 34.575(1).